

REMARKS

In response to the outstanding Office Action, Paper No. 3, dated September 12, 2003, applicant has carefully studied the references cited by the Examiner and the Examiner's comments relative thereto.

Claims 1 and 7 have been amended.

Claims 1-12 remain in the application for consideration by the Examiner.

No new matter has been added.

Reconsideration of the application, as amended, is respectfully requested.

The Examiner objected to the drawings. Appropriate correction has been made. It is submitted that this satisfies the Examiner's objection. A Letter to the Official Draftsman and corrected drawings are enclosed herewith.

The Examiner rejected Claims 1-6 under 35 USC §102(b) as being anticipated by Schrader et al. (US 5,459,313). The Examiner stated:

"In regard to claims 1, 2, and 7, Schrader et al. disclose (column 1, lines 8-22) a container surface defect detection system and method comprising:

- (a) a source (12) of ultraviolet radiation (column 7, lines 41-51);
- (b) a plastic container (7; column 6, lines 43-49) having a surface and a longitudinal axis (column 5, lines 12-19);
- (c) means (i.e. transport unit 1 comprising a conveyor 4) for directing said container (7) along a path (on a conveyor 4) through the radiation, such that the ultraviolet radiation is directed from the source to the container surface (column 3, lines 33-42);
- (d) detecting means (CCD detector 28) for receiving and sensing a portion of the ultraviolet radiation reflected (column 3, lines 33-42) from the surface of said plastic container (7), and being responsive to generate a signal representing a defect in the surface of the container (i.e., condition of the tested surface; column 3, lines 49-54, column 7, lines 6-11); and
- (e) a computer means (3) connected to said detecting means (28) and being responsive to the generated signal for calculating a defect value, comparing the defect value with stored standards (i.e., at least one reference signal; column 3, line 55 to column 5, line 6), and indicating one of acceptance and rejection (i.e. classifying step can include classifying the containers as acceptable and unacceptable containers; column 3, line 55 to column 5, line 6, column 5, line 54 to column 6, line 3) for said plastic container (7)."

Claim 1 has been amended to recite in part “directing ultraviolet radiation directly from a source to the surface of the container”. Schrader et al. disclose a method of reflecting a source of radiation using a mirror and an interference filter prior to being focused on the bottle (see column 7, lines 52-57). The source of radiation in Schrader et al. is not directed or focused directly on the container as claimed by applicant. The applicant’s method is not as complicated as the method disclosed by Schrader et al. As a result, costs to employ the method claimed by applicant are minimized. Therefore, due to the differences in the method claimed by applicant and the method disclosed in Schrader et al., it is submitted that Claim 1 is patentable and not anticipated under 35 USC §102(b) by Schrader et al.

Since Claim 1 is deemed patentable over Schrader et al., Claims 2-6 which depend therefrom are deemed patentable and not anticipated under 35 USC §102(b) by Schrader et al.

Claim 7 has been amended to recite in part “a source of direct ultraviolet radiation” and “means for directing said container along a path through the direct radiation”. As indicated above for Claim 1, Schrader et al. disclose a structure whereby the source of radiation is deflected using a mirror and directed through an interference filter prior to being focused on the bottle (see column 7, lines 52-57). The source of radiation in Schrader et al. is not direct and the container is not moved through a path of the direct radiation as claimed by applicant. The applicant’s structure is not as complicated as the structure disclosed by Schrader et al. As a result, the cost of the structure claimed by applicant is minimized. Therefore, due to the structural differences noted, it is submitted that Claim 7 is patentable and not anticipated under 35 USC §102(b) by Schrader et al.

Since Claim 7 is deemed patentable over Schrader et al., Claims 8-12 which depend therefrom are deemed patentable and not anticipated under 35 USC §102(b) by Schrader et al.

The Examiner’s favorable reconsideration of the rejection based upon 35 USC §102(b) is respectfully requested.

The Examiner rejected Claims 3-6 and 8-12 under 35 USC §103(a) as being unpatentable over Schrader et al. in view of Gamibuchi, McGrath, and Windham et al.

Since independent Claims 1 and 7 are deemed patentable over Schrader et al. as discussed above, Claims 3-6 and 8-12 which respectively depend therefrom are deemed patentable and not obvious under 35 USC §103(a) over Schrader et al. in view of Gamibuchi, McGrath, and Windham et al.

The Examiner's favorable reconsideration of the rejection based upon 35 USC §103(a) is respectfully requested.

The other references cited by the Examiner, but not applied, have been studied and are not considered to be any more pertinent than the references relied upon by the Examiner.

It is submitted that the claims distinctly define the applicant's invention. Reconsideration of the application is respectfully requested.

Accordingly, a formal Notice of Allowance is solicited.

While the applicant's attorney has made a sincere effort to properly define applicant's invention and to distinguish the same from the prior art, should the Examiner deem that other language would be more appropriate, it is requested that a telephone interview be had with the applicant's attorney in a sincere effort to expedite the prosecution of the application.



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on September 29, 2003

Irene Hill

Irene Hill

(signature)

September 29, 2003

(date of signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lorinda L. Yoder) Group Art Unit: 2878

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Serial No. 09/847,272) Examiner: Shun K. Lee

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Filed: May 2, 2001)

)

Attorney Docket: 1-13722

For: METHOD AND APPARATUS FOR)

DETECTING SURFACE DEFECTS IN)

A PLASTIC CONTAINER

September 29, 2003

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Attention: Drawing Review Branch

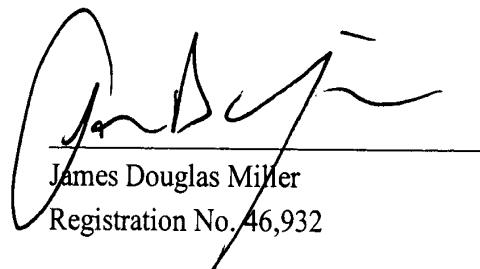
LETTER TO OFFICIAL DRAFTSMAN

Honorable Sir:

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2003
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In response to an Examiner's Amendment, dated September 12, 2003, enclosed for filing
is a substitute set of one (1) sheet of formal drawing. No new matter is added by this amended
drawing. Please substitute the enclosed drawing for the drawing currently on file.

Respectfully submitted,



James Douglas Miller
Registration No. 46,932

Law Offices of MacMillan, Sobanski & Todd LLC
One Maritime Plaza, Fourth Floor
Toledo, OH 43604-1853
(419) 874-1100